

disaffected to the state approved January 13, 1862. Read 2nd time.

Mr. Harcourt moved to amend by striking out all after the words "service of this state" and insert "or shall by words or actions stir up a spirit of discontent and insubordination among the people or attempt to impede the action of the Military authorities." Mr. Hartley moved to rerefer the bill and Amendments to Judiciary Committee. Lost. Mr. Weatherford moved to reconsider. Carried. The question was then taken on Mr. Hartley's motion to rerefer and carried.

Mr. Harcourt offered the following: "**Resolved**, That the Secretary of the Senate is instructed to subscribe for one hundred copies of the *Texas Almanac Extra* during the session of the Legislature for the use of the Senate, provided a synopsis of all the proceedings of this legislature be published therein." Adopted.

A bill appropriating \$200,000 for the relief of our sick and wounded soldiers in the Confederate States Army on report of Committee on State Affairs reporting substitute therefor. Read 2nd time. Substitute adopted and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

On motion the Secretary was instructed to request of the House that they transmit to the Senate the documents accompanying the Governor's message.

The Senate then adjourned until 9 o'clock A. M. tomorrow.

Thursday, February 19, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Burney, Chairman of Committee on Public Lands, on behalf of that Committee reported recommending the passage of a bill to repeal an act to amend the 1st and 11th sections of an act to authorize the sale of the public domain approved February 11, 1858, approved January 1, 1862 with the following amendment: At the end of caption add "and to suspend the operation of all laws authorizing the sale of alternate sections of land surveyed or reserved to the State or of other reservations." Amend the 1st section by striking out all after the word "repealed" in 5th line to end of

section and add "Section 2, That all laws authorizing sections of land surveyed and reserved to the State or of other reservations and of the sale of land scrip to be located on such reserved sections or other reservations are hereby suspended until six months after the close of the war between the Confederate States and the United States, and this act take effect and be in force from and after its passage."

On motion Messrs. Moore of Bastrop, Hord, and Cooper were added to Committee on Military Affairs.

Mr. Cooper introduced a Joint Resolution in relation to extortion and requesting Congress to reduce the pay of officers and increase the pay of privates in the Confederate Army. Read 1st and 2nd times and referred to Committee on Military Affairs.

Mr. Parsons introduced bill to incorporate the Texas Lead and Copper Mine Company. Read 1st and 2nd times and referred to Judiciary Committee by  $\frac{3}{4}$  vote.

The President announced the following communication from the Treasurer which was read and referred to Committee on Finance.

Treasurer's Office

Austin February 19, 1863

Honorable John M. Crockett

President of the Senate

Sir,

In compliance with a resolution of the Honorable Senate I herewith submit statement of the funds in the Treasury; the character of funds and the amount thereof subject to appropriation.

Very Respectfully

Your obedient servant,

C. H. Randolph

Treasurer

Revenue of State

Specie	333.42
Confederate Treasury notes	92,402.94
State Treasury warrants (to be cancelled)	3,141.57

95,877.93

School Fund

Bonds of Rail Road Companies 1,780,980.00

Ten per cent interest warrants (to be exchanged for specie with State Revenue)	11,239.71	
Confederate Treasury notes due to Counties on distribution of 1862	28,676.71	
Specie for investment		
for schools	4,148.88	
" due counties on former		
distributions	1,700.68	
" for distribution to counties	1,124.20	
" Contingent School fund	977,000	
	7,950.76	
		1,828,847.18
Special Deposits		
Specie County tax due Counties	5,850.80	
Confederate Treasury notes		
County Tax due Counties	13,783.41	
State Treasury Warrants Do.	129.28	19,763.49
Specie Settlement of successions	3,765.90	
Confederate Treasury notes Do.	496.73	4,262.63
Specie of Escheated Estates	2,688.71	2,688.71
Specie of Assessors fees	975.66	
Confederate Treasury notes Do.	38.00	1,013.66
University Land Sales		
Specie	.57	
Confederate Treasury Notes	23,752.69	
State Treasury Warrants (to be exchanged for specie with State Revenue)	4,773.97	
Ten per cent Interest Warrants Do. Do.	12,055.80	
		40,583.03
Special Loan Tax		
Specie	82,847.78	82,847.78
	Total	2,075.884.41
Recapitulation		
Specie	104,413.60	
Confederate Treasury notes	159,150.48	
State Treasury Warrants	8,044.82	

Bonds of Rail Road Companies	1,780,980.00	
Ten per cent interest Warrants	23,295.51	
		2,075,884.41

Of the above the following sums only are subject to appropriation:

Specie of State revenue	\$333.42	
Confederate notes of State revenue	92,402.94	
Total subject to appropriation		92,736.36

C. H. Randolph  
Treasurer

### ORDERS OF THE DAY

A Joint Resolution restricting the trade in cotton through the port of Brownsville. Read 2nd time and referred to Committee on State Affairs.

A Bill appropriating \$10,000 or so much thereof as may be necessary for recovering the Land Office and Capitol buildings. Read 2nd time. Mr. Burney moved to strike out \$10,000 and insert \$15,000. Adopted. Mr. Guinn moved to amend so as to include the Old Land Office and Treasury building and to strike out \$15,000 and insert \$20,000. Adopted. Mr. Burney moved to insert "Secretary of State, Commissioner of the General Land Office, Treasurer, and Comptroller." Adopted. Mr. Guinn offered the following amendment: "Provided that the Commissioners under this act shall not be authorized to pay more than one half the contract price until sufficient time shall have elapsed after the completion of the work to allow the roofs to be thoroughly tested and proven watertight." Mr. Parsons moved to rerefer the bill and amendment to Committee on Public Buildings. Mr. Beasley moved to amend by substituting Judiciary Committee. Accepted. The question to refer was put and lost. Mr. Durant moved to refer to Committee on Internal Improvements. Mr. Parsons moved to amend by substituting Committee on Public Buildings. Question on the amendment was put and carried.

Mr. Lea, Chairman of Finance Committee, on behalf of that Committee made the following report:

The Committee on Finance to which was referred a resolution instructing this Committee "to inquire and report as to the propriety of providing a specie fund to facilitate payments of taxes which have been or may be imposed

to meet interest and principal of State bonds so that taxpayers may have such taxes liquidated at the Treasury by exchange of paper currency for specie through the Comptroller and Collectors" has made the requisite inquiry and reports as follows:

The propriety of providing such a fund depends on the demand for it and the terms of obtaining it. The demand consists in the necessity for payments of the specie taxes, and the difficulties, which a large proportion of the taxpayers would have under present circumstances to make the payments unless aided.

The necessity for payments of such taxes arises from the consideration that they are the basis of the State bonds of which nearly all have been either used in executed contracts or are committed to meet executory engagements under existing laws. These bonds being actually or virtually in the hands of purchasers, there is the sure guarantee of the tax on which they rest. The law which placed the bonds in market, expressly provided that "the tax assessed under and by virtue of said act shall be collected in gold or silver, any law to the contrary notwithstanding;" and the amended constitution authorizing such a loan law, contains this provision; "but the tax imposed by such act in proportion to the debt and liability which may have been contracted in pursuance of such law shall remain in force and be irrevocable, and be annually collected until the proceeds thereof shall have made full provision to pay and discharge the interest and principal of such debt and liability." Under these provisions, even the Legislature could not prevent, although it might aid, the collection of such tax to the extent of its committal for bonds disposed of.

The absolute legal necessity for payment of the tax does not need the support of any collateral consideration; but satisfaction may arise from a few reflections showing a coincidence of some political and moral necessities.

This loan policy, which had been previously initiated, was continued and modified at the last session of the legislature for several reasons. In addition to as much taxation as the people were then willing to bear, the public necessities required the addition of this loan, as experience has proved, while it has shown, also, diverse reasons for a large provisional loan by means of smaller bonds. There was no proper provision for funding the indebtedness of the State

either to certain special funds in its trust or to its other creditors when there was a certainty of considerable delay in payments. The warrants of the State on its treasury had become depreciated to nearly one third of their amounts with a downward tendency so that payment by paper either to soldiers or other creditors was grossly unjust, and the ordinary administration of the government was seriously embarrassed, while the State's credit was not prepared for apprehended emergencies. Bonds of the State would have been cheaper than its other paper, if issued on any other than a specie tax. But in addition to the direct use of the loan, from which much good has already arisen with prospects of great future benefits the specie bonds are considered to have been the principal means with little aid from other resources by which the public creditors might eligibly fund their demands or have payments in other State paper of greatly improved value, and a governmental credit was inaugurated so as to give assurance of other help in case of need. For the State to maintain such high financial position, the bonds must be sustained according to the law of their creation; and at a time of peculiar difficulties in making payments in specie the proposed aid might manifest a determination that the bonds should be sustained and so add to the State's high credit. From such considerations appear some political and moral necessities in coincidence with that of preemptory law for a general collection of the specie tax.

As this tax must be collected by the officials in charge of such business, the question arises whether they shall be left to the use of only ordinary means or shall the Legislature aid them and the taxpayers by providing a specie fund to be commuted for current paper through the Comptroller and the Collectors.

The Committee has no doubt of the practicability of providing such a fund and of applying it as proposed. The procurement may be accomplished by the purchase and sale of cotton in the usual course of trade as familiarized by current practice of the government, both Confederate and State, and of individuals. The application may be made under authority therefor, by the Comptroller and Treasurer so that the specie fund may be continued in the Treasury where necessary portions for respective taxpayers may be commuted for paper currency, that shall have been for-

warded for such purpose by the taxpayers through the Collectors who shall be required to perform such service under legal regulations and the Comptroller's instructions. On completion of such commutation in any case, the tax would be paid into the Treasury and ready for application to the bonds according to law, not less satisfactorily to the bond holders on account of the State's aid to the payers, but rather with more satisfaction from the superadded assurance that no difficulties should be allowed to impair the value of State bonds.

In view of such practicability but few persons may question the expediency of the proposed aid. During the first collection of this specie tax the proposition obtained was nearly equal to that of other taxes, because insufficient specie in general could not be commanded by taxpayers throughout the State without very great difficulty. But subsequently the demands for specie by our soldiers on leaving the State, by merchants and other persons in foreign purchases, and by hoarders for fear or speculation have greatly increased the difficulties of obtaining that article by any ordinary means.

That it may be obtained by means of cotton has already been stated; but for individuals and associations embracing a great majority of the taxpayers, the procurement of specie by such means would have many difficulties. If some specie might be obtained from hoarders, the rates of exchange for paper would be exorbitant. The foregoing difficulties would not have a general appreciated alleviation in the reflection that the payment of the tax is essential for the (payment) maintaining great public interests.

Under existing circumstances the necessary amount of specie could be procured as proposed at far less cost than by individual action of taxpayers. And there is no doubt that such public aid to taxpayers would result in a general collection of the taxes in contrast with the limited payments that might be otherwise expected.

The Comptroller gives information that the amount on hand of specie tax will meet the interest payable next July and January. But, the Constitution provides that such tax shall be annually collected to meet interest and principal of the bonds according to the law by which they are held; and the only question appears to be whether the taxpayers shall have the proposed tax aid or be subject without aid to

legal coercion for payment. Moreover it might be prudent to provide liberally for a specie fund so as to be sure of enough to meet the tax demands, especially as other occasions of State necessities will require considerable amounts of specie during more than the time of the pending war and as an excess could be conveniently placed to another account.

The question of loss in the exchange of specie for paper need not be raised as the taxpayers are on both sides of the account.

With such views of the subject, the Committee recommends aid to the taxpayers as proposed and to that end herewith submits a bill.

Pryor Lea

Chairman

A Bill to provide a specie fund to aid taxpayers in the payment of their specie tax. Read 1st time.

Mr. Lea also made report on bill to remit taxes on property within certain limits and recommended that it do not pass.

Mr. Casey, Chairman of Committee on Engrossed Bills, reported a Bill appropriating \$200,000 for the relief of the sick and wounded soldiers in the Confederate States Army correctly engrossed.

A message was received from the House informing the Senate that the House had passed the following bills.

A Bill for the relief of parties holding land under Daniel Monroe.

A Joint Resolution requesting the Governor to solicit the detail and exemption of certain persons therein named to work in Messrs. Eubank and Company cotton card factory.

On motion of Mr. Burney, the Joint Resolution was taken up. Read 1st time. Rule suspended. Read 2nd time. Mr. Hord offered the following amendment. Strike out "detail" and insert "furlough" and strike out "exempt" and insert "furloughed." Passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to regulate the cultivation of cotton being the special order was read 2nd time. Mr. Cooper moved to strike from 8th line, 1st Section the word "Third" and insert "Fifth." Mr. Durant offered the following as a substitute for the amendment. Strike out in 1st Section the word



"third" and insert "fourth." Mr. Guinn moved to lay the amendments on the table. Carried.

The Senate then adjourned until 3 o'clock P. M.

3 o'clock P. M.

Senate met, roll called, quorum present.

A Bill to regulate the cultivation of cotton being under consideration, Mr. Guinn offered the following amendment: Insert "The Governor shall upon the passage of this act issue his proclamation to the planters of this state setting forth the provisions of this act." Adopted.

The Senate then adjourned until 9 o'clock A. M. tomorrow.

Friday, February 20, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of the preceding day was read and adopted.

Mr. Casey introduced a Bill to appropriate \$1,000 to pay the expenses of taking up, committing, keeping, and conveying to the Penitentiary runaway slaves. Read 1st and 2nd times and referred to Committee on Finance.

Mr. Guinn offered the following resolution: "**Resolved**, That the Secretary of the Senate be authorized to allow the publisher of the *Almanac Extra* the use of the journals of the Senate provided the said journal shall not be kept from his custody more than one day." Adopted.

Mr. Cooper offered the following: "**Resolved**, That no new business shall be received in the Senate for its action after Monday next except such as may come from the House of Representatives." Laid over one day for consideration.

### ORDERS OF THE DAY

A Bill to regulate the cultivation of cotton being under consideration when the Senate adjourned on yesterday was taken up. Read 2nd time.

A message was received from the House informing the Senate that the House had passed a Joint Resolution tendering thanks to Major O. M. Watkins.

A Joint Resolution requesting our Senators and Representatives in the Confederate States Congress to take into consideration the propriety of modifying the exemption laws.